

# Union Calendar No. 454

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4326

[Report No. 105–810]

To transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1998

Mr. SMITH of Oregon introduced the following bill; which was referred to the Committee on Resources

OCTOBER 12, 1998

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Oregon Public Lands Transfer and Protection Act of  
4 1998”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS**

Sec. 101. Land transfers involving Rogue River National Forest and other public lands in Oregon.

**TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS**

Sec. 201. Definitions.

Sec. 202. No net loss of O&C lands, CBWR lands, and public domain lands.

Sec. 203. Modifications to sales authority.

Sec. 204. Modifications to exchange authority.

Sec. 205. Administration of lands acquired in geographic area; redesignation of public domain lands.

Sec. 206. Relationship to Umpqua land exchange authority.

7 **TITLE I—ROGUE RIVER**  
8 **NATIONAL FOREST TRANSFERS**

9 **SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NA-**  
10 **TIONAL FOREST AND OTHER PUBLIC LANDS**  
11 **IN OREGON.**

12 (a) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL  
13 FOREST.—

14 (1) LAND TRANSFER.—The public domain  
15 lands depicted on the map entitled “BLM/Rogue  
16 River N.F. Administrative Jurisdiction Transfer”  
17 and dated April 28, 1998, consisting of approxi-  
18 mately 2,058 acres within the external boundaries of

1 Rogue River National Forest in the State of Oregon  
2 are hereby added to and made a part of Rogue River  
3 National Forest.

4 (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
5 trative jurisdiction over the lands described in para-  
6 graph (1) is hereby transferred from the Secretary  
7 of the Interior to the Secretary of Agriculture. Sub-  
8 ject to valid existing rights, the Secretary of Agri-  
9 culture shall manage such lands as part of Rogue  
10 River National Forest in accordance with the Act of  
11 March 1, 1911 (commonly known as the Weeks  
12 Law), and under the laws, rules, and regulations ap-  
13 plicable to the National Forest System.

14 (b) TRANSFER FROM NATIONAL FOREST TO PUBLIC  
15 DOMAIN.—

16 (1) LAND TRANSFER.—The Federal lands de-  
17 picted on the map entitled “BLM/Rogue River N.F.  
18 Administrative Jurisdiction Transfer” and dated  
19 April 28, 1998, consisting of approximately 1,632  
20 acres within the external boundaries of Rogue River  
21 National Forest, are hereby transferred to unre-  
22 served public domain status, and their status as part  
23 of Rogue River National Forest and the National  
24 Forest System is hereby revoked.

1           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
2       trative jurisdiction over the lands described in para-  
3       graph (1) is hereby transferred from the Secretary  
4       of Agriculture to the Secretary of the Interior. Sub-  
5       ject to valid existing rights, the Secretary of the In-  
6       terior shall administer such lands under the laws,  
7       rules, and regulations applicable to unreserved pub-  
8       lic domain lands.

9       (c) RESTORATION OF STATUS OF CERTAIN NA-  
10      TIONAL FOREST LANDS AS REVESTED RAILROAD GRANT  
11      LANDS.—

12           (1) RESTORATION OF EARLIER STATUS.—The  
13      Federal lands depicted on the map entitled “BLM/  
14      Rogue River N.F. Administrative Jurisdiction  
15      Transfer” and dated April 28, 1998, consisting of  
16      approximately 4,298 acres within the external  
17      boundaries of Rogue River National Forest, are  
18      hereby restored to the status of revested Oregon and  
19      California Railroad grant lands, and their status as  
20      part of Rogue River National Forest and the Na-  
21      tional Forest System is hereby revoked.

22           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
23      trative jurisdiction over the lands described in para-  
24      graph (1) is hereby transferred from the Secretary  
25      of Agriculture to the Secretary of the Interior. Sub-

1       ject to valid existing rights, the Secretary of the In-  
2       terior shall administer such lands under the Act of  
3       August 28, 1937 (43 U.S.C. 1181a et seq.), and  
4       other laws, rules, and regulations applicable to re-  
5       vested Oregon and California Railroad grant lands  
6       under the administrative jurisdiction of the Sec-  
7       retary of the Interior.

8       (d) ADDITION OF CERTAIN REVESTED RAILROAD  
9       GRANT LANDS TO NATIONAL FOREST.—

10           (1) LAND TRANSFER.—The revested Oregon  
11       and California Railroad grant lands depicted on the  
12       map entitled “BLM/Rogue River N.F. Administra-  
13       tive Jurisdiction Transfer” and dated April 28,  
14       1998, consisting of approximately 960 acres within  
15       the external boundaries of Rogue River National  
16       Forest, are hereby added to and made a part of  
17       Rogue River National Forest.

18           (2) ADMINISTRATIVE JURISDICTION.—Adminis-  
19       trative jurisdiction over the lands described in para-  
20       graph (1) is hereby transferred from the Secretary  
21       of the Interior to the Secretary of Agriculture. Sub-  
22       ject to valid existing rights, the Secretary of Agri-  
23       culture shall manage such lands as part of the  
24       Rogue River National Forest in accordance with the  
25       Act of March 1, 1911 (commonly known as the

1 Weeks Law), and under the laws, rules, and regula-  
2 tions applicable to the National Forest System.

3 (3) DISTRIBUTION OF RECEIPTS.—Notwith-  
4 standing the sixth paragraph under the heading  
5 “FOREST SERVICE” in the Act of May 23, 1908 and  
6 section 13 of the Act of March 1, 1911 (16 U.S.C.  
7 500), revenues derived from the lands described in  
8 paragraph (1) shall be distributed in accordance  
9 with the Act of August 28, 1937 (43 U.S.C. 1181a  
10 et seq.).

11 (e) BOUNDARY ADJUSTMENT.—The boundaries of  
12 Rogue River National Forest are hereby adjusted to en-  
13 compass the lands transferred to the administrative juris-  
14 diction of the Secretary of Agriculture under this section  
15 and to exclude private property interests adjacent to the  
16 exterior boundaries of Rogue River National Forest, as de-  
17 picted on the map entitled “Rogue River National Forest  
18 Boundary Adjustment” and dated April 28, 1998.

19 (f) MAPS.—Within 60 days after the date of the en-  
20 actment of this Act, the maps referred to in this section  
21 shall be available for public inspection in the office of the  
22 Chief of the Forest Service.

23 (g) MISCELLANEOUS REQUIREMENTS.—As soon as  
24 practicable after the date of the enactment of this Act,  
25 the Secretary of the Interior and the Secretary of Agri-

1 culture shall revise the public land records relating to the  
2 lands transferred under this section to reflect the adminis-  
3 trative, boundary, and other changes made by this section.  
4 The Secretaries shall publish in the Federal Register ap-  
5 propriate notice to the public of the changes in administra-  
6 tive jurisdiction made by this section with regard to lands  
7 described in this section.

## 8 **TITLE II—PROTECTION OF OR-** 9 **EGON AND CALIFORNIA RAIL-** 10 **ROAD GRANT LANDS**

### 11 **SEC. 201. DEFINITIONS.**

12 For purposes of this title:

13 (1) O&C LANDS.—The term “O&C lands”  
14 means the lands that—

15 (A) revested in the United States under  
16 the Act of June 9, 1916 (Chapter 137; 39 Stat.  
17 218), commonly known as Oregon and Califor-  
18 nia Railroad grant lands; and

19 (B) are managed by the Secretary of the  
20 Interior through the Bureau of Land Manage-  
21 ment under the Act of August 28, 1937 (43  
22 U.S.C. 1181a et seq.).

23 (2) CBWR LANDS.—The term “CBWR lands”  
24 means the lands that—

1 (A) were reconveyed to the United States  
2 under the Act of February 26, 1919 (Chapter  
3 47; 40 Stat. 1179), commonly known as Coos  
4 Bay Wagon Road grant lands; and

5 (B) are managed by the Secretary of the  
6 Interior through the Bureau of Land Manage-  
7 ment under the Act of August 28, 1937 (43  
8 U.S.C. 1181a et seq.).

9 (3) PUBLIC DOMAIN LANDS.—The term “public  
10 domain lands” has the meaning given the term  
11 “public lands” in the Federal Land Policy and Man-  
12 agement Act of 1976 (43 U.S.C. 1701 et seq.), ex-  
13 cept that the term does not include O&C lands and  
14 CBWR lands.

15 (4) GEOGRAPHIC AREA.—The term “geographic  
16 area” means all lands in the State of Oregon located  
17 within the boundaries of the Bureau of Land Man-  
18 agement’s Medford District, Roseburg District, Eu-  
19 gene District, Salem District, Coos Bay District,  
20 and Klamath Resource Area of the Lakeview Dis-  
21 trict, as those districts and that resource area were  
22 constituted on January 1, 1998.

23 (5) SECRETARY.—The term “Secretary” means  
24 the Secretary of the Interior.



1           (6) **TIMBERLANDS.**—The term “timberlands”  
2       means lands identified as timberlands in any land  
3       use plan under the Federal Land Policy and Man-  
4       agement Act of 1976 (16 U.S.C. 1701–1782).

5 **SEC. 202. NO NET LOSS OF O&C LANDS, CBWR LANDS, AND**  
6 **PUBLIC DOMAIN LANDS.**

7       In carrying out sales, purchases, and exchanges of  
8       lands located in the geographic area, the Secretary shall  
9       ensure that upon the expiration of the 10-year period be-  
10      ginning on the date of the enactment of this Act, and of  
11      each 10-year period thereafter, the total number of acres  
12      of O&C lands and CBWR lands in the geographic area,  
13      and the total number of acres of O&C lands, CBWR lands,  
14      and public domain lands in the geographic area that are  
15      available for timber harvesting, are not less than the num-  
16      ber of acres of such lands on the date of the enactment  
17      of this Act.

18 **SEC. 203. MODIFICATIONS TO SALES AUTHORITY.**

19       (a) **LIMITATION ON LANDS TO BE SOLD.**—Notwith-  
20      standing any other sales authority of the Secretary, the  
21      Secretary may not sell any O&C lands, CBWR lands, or  
22      public domain lands within the geographic area that are  
23      located within—

24           (1) a congressionally designated wilderness  
25      area;

1           (2) the national wild and scenic river system; or  
2           (3) an area designated by the Secretary under  
3     the Federal Land Policy and Management Act of  
4     1976 (43 U.S.C. 1701 et seq.) to be an area of criti-  
5     cal environmental concern.

6     (b) PRICE; PROCEDURES.—Notwithstanding any  
7     other sales authority of the Secretary, the Secretary shall  
8     make all sales of O&C lands, CBWR lands, public domain  
9     lands within the geographic area—

10           (1) at a price that is not less than the fair mar-  
11     ket value of the lands sold, as determined by the  
12     Secretary; and

13           (2) by competitive public bidding, under proce-  
14     dures established by the Secretary that ensure ade-  
15     quate notice to owners of land adjoining the land  
16     proposed for sale, to local governments in the vicin-  
17     ity of the land proposed for sale, and to the State  
18     of Oregon.

19 **SEC. 204. MODIFICATIONS TO EXCHANGE AUTHORITY.**

20     (a) LIMITATION ON FEDERAL LANDS TO BE EX-  
21     CHANGED.—Notwithstanding any other exchange author-  
22     ity of the Secretary, the Secretary may not exchange out  
23     of Federal ownership any O&C lands, CBWR lands, or  
24     public domain lands within the geographic area that are  
25     located within—

1           (1) a congressionally designated wilderness  
2       area;

3           (2) the national wild and scenic river system; or

4           (3) an area designated by the Secretary under  
5       the Federal Land Policy and Management Act of  
6       1976 (43 U.S.C. 1701 et seq.) to be an area of criti-  
7       cal environmental concern.

8       (b) LIMITATION ON NON-FEDERAL LANDS AC-  
9       QUIRED.—Notwithstanding any other exchange authority  
10      of the Secretary, all non-Federal lands acquired by the  
11      Secretary in an exchange for O&C lands, CBWR lands,  
12      or public domain lands within the geographic area must  
13      be located within the geographic area.

14      (c) PROCEDURES.—The Secretary shall establish pro-  
15      cedures for exchanges out of Federal ownership of O&C  
16      lands, CBWR lands, and public domain lands within the  
17      geographic area, including—

18           (1) procedures for valuing the lands exchanged;  
19      and

20           (2) procedures that ensure adequate notice of  
21      proposed exchanges to local governments in the vi-  
22      cinity of all lands to be exchanged and to the State  
23      of Oregon.

24      (d) REQUIREMENTS FOR VALUE OF EXCHANGED  
25      LANDS.—Notwithstanding any other exchange authority

1 of the Secretary, the Secretary may not exchange out of  
2 Federal ownership O&C lands, CBWR lands, or public do-  
3 main lands within the geographic area if the fair market  
4 value of the lands received by the United States in the  
5 exchange—

6 (1) is less than 75 percent of the fair market  
7 value of the lands conveyed by the United States in  
8 the exchange; or

9 (2) is greater than 125 percent of the fair mar-  
10 ket value of the lands conveyed by the United States  
11 in the exchange.

12 (e) EQUALIZATION PAYMENTS.—The Secretary, as  
13 necessary to ensure that the total value received by the  
14 United States in an exchange out of Federal ownership  
15 of O&C lands, CBWR lands, or public domain lands within  
16 the geographic area is equal to the total value conveyed  
17 by the United States in the exchange, shall—

18 (1) use otherwise available amounts to pay, to  
19 the person from whom lands are acquired by the  
20 United States in the exchange, the difference be-  
21 tween the value of the lands received by the United  
22 States and the value of the lands conveyed by the  
23 United States; or

24 (2) require that person to pay that difference to  
25 the United States.

1 **SEC. 205. ADMINISTRATION OF LANDS ACQUIRED IN GEO-**  
2 **GRAPHIC AREA; REDESIGNATION OF PUBLIC**  
3 **DOMAIN LANDS.**

4 (a) **ACQUIRED LANDS.**—All lands in the geographic  
5 area acquired by the United States and managed by the  
6 Secretary through the Bureau of Land Management after  
7 the date of the enactment of this Act shall for all purposes  
8 have the same status, be administered, and be otherwise  
9 treated as O&C lands.

10 (b) **REDESIGNATION OF PUBLIC DOMAIN LANDS FOR**  
11 **TREATMENT AS REVESTED LANDS.**—

12 (1) **LANDS DESIGNATED.**—Not later than Sep-  
13 tember 30, 1999, the Secretary shall—

14 (A) designate, for treatment as O&C lands  
15 under paragraph (2), all public domain lands in  
16 the geographic area that, on the date of the en-  
17 actment of this Act, are timberlands; and

18 (B) notify the Congress of that designa-  
19 tion.

20 (2) **TREATMENT OF REDESIGNATED LANDS.**—  
21 Lands designated by the Secretary under paragraph  
22 (1) shall for all purposes have the same status, be  
23 administered, and be otherwise treated as O&C  
24 lands.

25 (3) **REVENUE DISTRIBUTION.**—(A) Notwith-  
26 standing paragraphs (1) and (2), revenues that are

1 produced on or before September 30, 2003, on lands  
2 designated by the Secretary under paragraph (1)  
3 shall be distributed according to provisions of law in  
4 effect immediately before the enactment of this Act.

5 (B) Notwithstanding paragraphs (1) and (2),  
6 revenues that are produced after September 30,  
7 2003, on lands designated by the Secretary under  
8 paragraph (1) and that are available to counties  
9 pursuant to the Act of August 28, 1937 (43 U.S.C.  
10 1181a et seq.), shall be disbursed to the Association  
11 of Oregon and California Land Grant Counties, for  
12 redistribution, after deducting a reasonable sum for  
13 costs of administration, as follows:

14 (i) 92 percent shall be redistributed to  
15 counties entitled to payments under the Act of  
16 August 28, 1937 (43 U.S.C. 1181a et seq.), in  
17 the same proportion as other payments under  
18 that Act.

19 (ii) 8 percent shall be redistributed to  
20 counties entitled to payments under section 3 of  
21 the Act of July 31, 1947 (chapter 4306; 30  
22 U.S.C. 603), and the fifth proposition of section  
23 4 of the Act of February 14, 1859 (chapter  
24 XXXIII; 11 Stat. 383), in the same proportion  
25 as other payments under those provisions.

1 **SEC. 206. RELATIONSHIP TO UMPQUA LAND EXCHANGE AU-**  
2 **THORITY.**

3       Notwithstanding any other provision of this title, this  
4 title shall not apply to exchanges of land authorized pursu-  
5 ant to section 1028 of the Omnibus Parks and Public  
6 Lands Management Act of 1996 (Public Law 104–333;  
7 110 Stat. 4231), or any implementing legislation or ad-  
8 ministrative rule, if the land exchanges are consistent with  
9 the provisions set forth in the Memorandum of Under-  
10 standing between the Umpqua Land Exchange Project  
11 and the Association of Oregon and California Land Grant  
12 Counties, dated February 19, 1998.

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